

REMARKS

In response to the Office Action of July 7, 2006, applicant asks that all claims be allowed in view of the following remarks.

Claims 1-6, 8-12, 16-20, 22-25, 27-37, 39-43, 47-51, 53-56, 58-68, 70-74, 78-80, 83-86, and 88-92 are now pending, of which claims 1, 19, 32, 50, 63 and 79 are independent. No claims have been amended. Claims 7, 13-15, 21, 26, 38, 44-46, 52, 57, 69, 75-77, 81-82, and 87 have been canceled. No new matter has been introduced.

Rejections under 35 U.S.C. 103

Claims 1-6, 8-12, 16-20, 22-25, 27-37, 39-43, 47-51, 53-56, 58-68, 70-74, 78-80, 83-86, and 88-92 have been rejected under 35 U.S.C. 103 as being unpatentable over Allahwerdi et al (U.S. Patent No. 6,928,558) in view of Nelson (U.S. Patent No. 7,062,655).

Nelson is not prior art under 35 U.S.C. § 102. The present patent application claims priority to provisional application 60/341,814, filed December 21, 2001, which predates Nelson's filing date of January 23, 2002.

Consequently, Allahwerdi in view of Nelson is not a valid rejection under 35 U.S.C. 103. While Applicant does not otherwise acquiesce to this rejection or the merits of an obviousness contention (including plausibility of the combination itself) over references resembling Allahwerdi and Nelson, Applicant does not presently address the merits of the rejection due to the deficiencies of the imposed rejection. Support for the claims may be found, at least, on page 13, line 27 to page 15, line 10 of the provisional specification. Also, support may be found on Figure 8 of the provisional.

The Office Action states that "Claims 1, 19, 32, 50, and 79 contain the identical limitations set forth in 63." See Office Action dated July 7, 2006, page 4. Applicant notes that there are differences between the identified claims. For example, claim 19 includes a differing number of both features and clauses from claim 63. As such, Applicant respectfully requests individual consideration of each claim on the merits.

Applicant : Robert G. Watkins
Serial No. : 10/058,338
Filed : January 30, 2002
Page : 16 of 16

Attorney's Docket No.: 06975-232001 / Security 16

Conclusion

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim except as specifically stated in this reply.

Applicant submits that all claims are in condition for allowance.

No fees are believed due at this time. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 10/10/2002


W. Karl Renner
Reg. No. 41,265

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331